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Theodore P. Cummings	40,973
Name of Attorney	Registration No.
Signature of Attorney	

Image

AF
1761

P&G Case 8169M

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of Michael Dean McCutchan

Confirmation No. 3927

Serial No.: 09/905,540

Group Art Unit: 1761

Date Filed: July 13, 2001

Examiner: D.E. Becker

For: A KIT CONTAINING A SNACK FOOD AND DIP-CONDIMENT

NOTICE OF APPEAL

Mail Stop AF

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated January 14, 2004 of the Primary Examiner finally rejecting Claims 1, 3, 5, 6 and 17-20.

No response to the final rejection has been filed.

Please charge the appeal fee of \$330.00, any processing fee under 37 CFR §1.17, and any other necessary fees to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company, Patent Division. An additional copy of this Notice is enclosed for that purpose.

Respectfully submitted,

By 

Theodore P. Cummings
Attorney for Applicant(s)
Registration No. 40,973
(513) 634-1906

04/07/2004 MGE BREM1 00000024 162480 09905540

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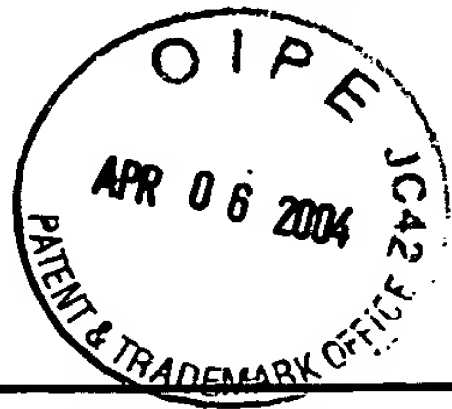
Date: March 31, 2004

Customer No. 27752



FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.



Complete if Known

Application Number	09/905,540
Confirmation Number	3927
Filing Date	July 13, 2001
First Named Inventor	Michael Dean McCutchan
Examiner Name	Drew E. Becker
Art Unit	1761
Attorney Docket No.	8169M

TOTAL AMOUNT OF PAYMENT (\$)**330.00**

METHOD OF PAYMENT

1. ☒ The Director is hereby authorized to charge indicated fees submitted on this form, credit any over payments, and charge any additional fee(s) during the pendency of this application to:

Deposit Account Number: **16-2480**Deposit Account Name: **The Procter & Gamble Company**

FEE CALCULATION

1. BASIC FILING FEE – Large Entity

Code	(\$)	Fee Description	Fee Paid
1001	770	Utility filing fee	<input type="checkbox"/>
1002	340	Design filing fee	<input type="checkbox"/>
1004	770	Reissue filing fee	<input type="checkbox"/>
1005	160	Provisional filing fee	<input type="checkbox"/>

SUBTOTAL (1) (\$)**[0]**

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE – Large Entity

		Extra	Fee from	Fee
		Claims	Below	Paid
Total Claims	<input type="checkbox"/> - 20** =	<input type="checkbox"/> x	<input type="checkbox"/>	= <input type="checkbox"/>
Independent Claims	<input type="checkbox"/> - 3** =	<input type="checkbox"/> x	<input type="checkbox"/>	= <input type="checkbox"/>
Multiple Dependent			<input type="checkbox"/>	= <input type="checkbox"/>

** or number previously paid, if greater; For Reissues, see below

Code	(\$)	Fee Description
1202	18	Claims in excess of 20
1201	86	Independent claims in excess of 3
1203	290	Multiple dependent claim, if not paid
1204	86	**Reissue independent claims over original patent
1205	18	**Reissue claims in excess of 20 & over original patent

SUBTOTAL (2) (\$)**[0]**

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Code	(\$)	Fee Description	Fee Paid
1051	130	Surcharge-late filing fee or oath	<input type="checkbox"/>
1052	50	Surcharge-late provisional filing fee or cover sheet	<input type="checkbox"/>
1053	130	Non-English specification	<input type="checkbox"/>
1812	2,520	For filing a request for <i>ex parte</i> reexamination	<input type="checkbox"/>
1804	920*	Requesting publication of SIR prior to Examiner's action	<input type="checkbox"/>
1805	1,840*	Requesting publication of SIR after Examiner's action	<input type="checkbox"/>
1251	110	Extension for reply within 1 st month	<input type="checkbox"/>
1252	420	Extension for reply within 2 nd month	<input type="checkbox"/>
1253	950	Extension for reply within 3 rd month	<input type="checkbox"/>
1254	1,480	Extension for reply within 4 th month	<input type="checkbox"/>
1255	2,010	Extension for reply within 5 th month	<input type="checkbox"/>
1401	330	Notice of Appeal	<input checked="" type="checkbox"/>
1402	330	Filing a brief in support of an appeal	<input type="checkbox"/>
1403	290	Request for oral hearing	<input type="checkbox"/>
1451	1,510	Petition to institute a public use proceeding	<input type="checkbox"/>
1452	110	Petition to revive - unavoidable	<input type="checkbox"/>
1453	1,330	Petition to revive - unintentional	<input type="checkbox"/>
1501	1,330	Utility issue fee (or reissue)	<input type="checkbox"/>
1502	480	Design issue fee	<input type="checkbox"/>
1460	130	Petitions to the Commissioner	<input type="checkbox"/>
1807	50	Processing fee under 37 C.F.R. 1.17(q)	<input type="checkbox"/>
1806	180	Submission of Information Disclosure Statement	<input type="checkbox"/>
1809	770	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="checkbox"/>
1810	770	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="checkbox"/>
1801	770	Request for Continued Examination (RCE)	<input type="checkbox"/>
1802	900	Request for expedited examination of a design application	<input type="checkbox"/>
1454	1330	Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	<input type="checkbox"/>
		Other fee (specify) _____	<input type="checkbox"/>
		Other fee (specify) _____	<input type="checkbox"/>

* Reduced by Basic Filing Fee Paid SUBTOTAL(3) (\$)**[330]**

SUBMITTED BY

Name (Print/Type)	Theodore P. Cummings	Registration No.	40,973	Complete (if applicable)	
		(Attorney/Agent)		Telephone	(513) 634-1906
Signature				Date	March 31, 2004

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.